



DEPT. OF TRANSPORTATION
NOTES

02 OCT 23 PM 3:36

October 10, 2002

Via Courier

Mr. Kenneth N. Weinstein, Esq.
Associate Administrator for Enforcement
National Highway Traffic Safety Administration
400 Seventh Street, S.W.
Washington, DC 20590

Dear Mr. Weinstein:

**Re.: Final Rule Regarding Reporting of Information and Documents About
Potential Defects; Retention of Records That Could Indicate Defects
(67 Fed. Reg. 45824; July 10, 2002), Docket No. NHTSA 2001—8677, Notice 3** -526

The Alliance of Automobile Manufacturers (Alliance), whose members are BMW Group, DaimlerChrysler, Fiat, Ford Motor Company, General Motors, Isuzu, Mazda, Mitsubishi Motors, Nissan, Porsche, Toyota, and Volkswagen, submits the following supplemental information concerning our August 26, 2002 petition for reconsideration and request for clarification of certain issues raised by the final rule adopted in the above referenced notice. This final rule adopted regulations to implement the "early warning reporting requirements" of the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act (P.L. 106-414).

This letter has two purposes. First, the Alliance has prioritized the various issues requiring action by NHTSA that were contained in our August 26, 2002 petition. The enclosed document lists the issues contained in our petition by priority. Generally, those issues given a priority "1" rating are those that require resolution to allow Alliance members to effectively plan and efficiently execute actions needed to develop compliant reporting systems. It is our hope that the agency can respond to these issues within the month of October 2002. Those issues assigned a priority "2" rating are those issues that need to be resolved to ensure that system development efforts can continue uninterrupted. Here, the Alliance hopes that the agency can respond in the November 2002 timeframe or earlier. Finally, items assigned a priority "3" ranking are those items for which the agency has given an indication of its provisional position during the public meeting held on September 24, 2002.

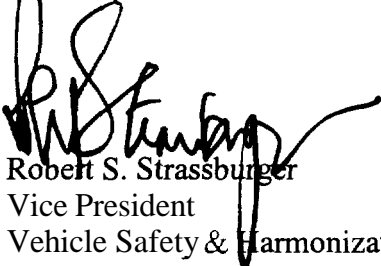
**BMW Group • Daimler Chrysler • Fiat • Ford Motor Company • General Motors
Isuzu • Mazda • Mitsubishi Motors • Nissan • Porsche • Toyota • Volkswagen • Volvo**

Second, this letter describes an additional issue in the final rule for which clarification is sought. Section 579.21 requires manufacturers to submit production information (§579.21(a)) and numbers of field reports, etc., (§579.21(c)) to the agency, *“separately with respect to each make, model, and model year of light vehicle manufactured during the reporting period and the nine model years prior to the earliest model year in the reporting period.”* (emphasis added) Conversely, §579.21 also directs that information about incidents involving death or injury (§579.21(b)) and copies of field reports (§579.21(d)) be submitted to the agency for all light vehicles *“less than ten calendar years old at the beginning of the reporting period.”* (emphasis added)

The Alliance does not understand the need for the differing reporting timeframes. Requiring that certain information be submitted for all light vehicles *“less than ten calendar years old”* requires that manufacturers consult either production records or sales records to determine vehicle age in order to identify the population of vehicles subject to the reporting requirements for a given reporting period. This would require considerable administrative effort and impose unnecessary burden on manufacturers. The Alliance recommends that sections §579.21(b) and (d) be revised to require submission of information for *“all light vehicles manufactured during the <preceding?> reporting period and the nine model years prior to the earliest model year in the <that> reporting period.”*

The Alliance appreciates having this opportunity to provide supplemental comments in this proceeding. Please contact us if we can provide any additional information.

Sincerely,



Robert S. Strassburger
Vice President
Vehicle Safety & Harmonization
Alliance of Automobile Manufacturers

enclosure

ALLIANCE OF AUTOMOBILE MANUFACTURERS
Early Warning Reporting Rulemaking
Petition for Reconsideration/Request for Clarification
Priority Ranking of Issues

PFRc SECTION NO.	ISSUE	PRIORITY RANKING	TIMEFRAME
I.A.1	Field Reports; Exclusion prepared in anticipation of litigation	1	October 2002
I.A.2	Field Reports; Exclusion of subsequent internal correspondence		
I.A.3	In-plant inspection records and similar documents		
I.B	One-time historic reports <ul style="list-style-type: none"> o Inclusion of field reports o "Goodwill" claims outside of warranty system 		
I.E	Multiple "substantially similar" platforms		
I.C	Exclusion of certain non-physical injuries	2	November 2002
I.D	Cover letter for monthly submissions of communications		
II.A	Reporting classification of "fire"		
II.B	Recordkeeping duration for information supporting the historic reports		
II.C	Exclusion of documents relating to emissions recalls		
II.F	Property damage claims with associated fatalities/injuries		
II.F (sic)	Definitions that need clarification		

ALLIANCE OF AUTOMOBILE MANUFACTURERS
Early Warning Reporting Rulemaking
Petition for Reconsideration/Request for Clarification
Priority Ranking of Issues

PFRc SECTION No.	ISSUE	PRIORITY RANKING	TIMEFRAME
I.A.4	Definition of "fleet"	3	ecen 2002
II.D	Production Numbers		
II.G	Default rule for reports due on weekends or federal holidays		

October 9, 2002

Via Rapifax

Mr. Kenneth N. Weinstein, Esq.
Associate Administrator for Enforcement
National Highway Traffic Safety Administration
400 Seventh Street, S.W.
Washington, DC 20590

Dear Mr. Weinstein:

Re.: Implementation of the Early Warning Rule

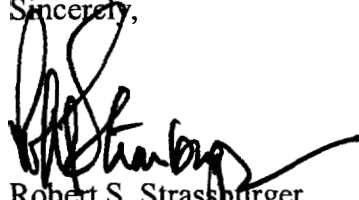
On behalf of the members of the Alliance of Automobile Manufacturers, the Association of International Automobile Manufacturers, the Motorcycle Industry Council, and the Truck Manufacturers Association, this is to express appreciation for the public meeting held September 24, 2002 to discuss the manner in which Early Warning Reporting information will be submitted to, and retained by, the agency. This meeting provided useful information that will assist our members in designing and implementing compliant reporting systems.

The purpose of this letter is to request an additional meeting with the agency to discuss, clarify, and standardize motor vehicle manufacturer's mapping of their codes into NHTSA's system/component codes applicable to our segment of the industry. Such a meeting would provide necessary guidance to our software development engineers at a critical time as they are writing computer code to perform this mapping.

We recommend that the requested meeting be held either in Washington or Boston in early November 2002 – either during the week of November 4 or November 11. If this meeting is agreeable to you, we will coordinate amongst our organizations to compile a list of questions that could be addressed at this meeting. The point of departure for this list would be Appendix C from the Alliance comments to the early warning NPRM (see attached). We would commit to providing an expanded list to the agency two weeks in advance of the meeting to assist you and your staff in preparing for this meeting.

We **look** forward to your response to our request **and** to working with the agency to facilitate implementation **of** Early Warning Reporting systems.

Sincerely,



Robert S. Strassburger
Vice President
Vehicle Safety and Harmonization
Alliance of Automobile Manufacturers



Michael X. Cammisa
Director, Safety
Association of International Automobile
Manufacturers



Kathy R. Van Kleeck
Vice President
Government Relations
Motorcycle Industry Council



William A. Leasure, Jr.
President
Truck Manufacturers Association

enclosure

TREAD Early Warning Reporting Questions About Coding and Reporting

CODE	REPORTING CATEGORY	APPLICABILITY				QUESTION	SUMMARY RESPONSE
		LD	MD	MC	T		
01	Steering	■	■	■		1. Does this include the key lock mechanism that operates the ignition switch and also locks the steering wheel?	
02	Suspension	■	■	■	■	1. Are electronic stabilization programs in this category? 2. Do wheel bolts belong to suspension or to wheels, or should they not be included at all? 3. Where does the suspension stop and the powertrain begin?	
03	Service Brake (Hydraulic)	■	■	■	■	1. There are some parts such as rear brake shoes/drums or rear brake pads/rotors that are common to the service brakes and parking brake. How should complaints involving these parts be coded? 2. Are indirect tire pressure monitoring systems that work with antilock brake systems reportable in this category? 3. Are complaints about "feel" of the brake reportable? 4. Does this category include the brake pedal and brake pedal cover? 5. Does this definition also include those portions of an automatic transmission that deal with the "P" (Park) position?	
04	Air Brake		■		■		
05	Parking Brake	■	■		■		
06	Engine/Eng Cooling System	■	■	■		1. Given this categories name , should we assume that emission control system components are not covered under engine/engine cooling systems? 2. If emission control system components	

TREAD Early Warning Reporting Questions About Coding and Reporting

						<p>are covered by the early warning reporting system, how should manufacturers code the OBD system and check engine light?</p> <p>3. Does this category include engine monitoring displays on the dashboard, such as temperature, tachometer, oil light or are these to be included under the electrical system?</p> <p>4. Is the engine lubrication system reportable under this category?</p> <p>5. Is a vehicle theft deterrent system that prevents the engine from being started reportable in this category?</p> <p>6. The Electronic Throttle Module could be reported under this category, speed control, fuel system, or electrical. How should this be coded?</p>	
07	Fuel System (gas)	■	■	■		<p>1. Is a customer complaint of stalling without an allegation of a defective component reportable? If so, how should it be coded – possibilities include engine, fuel system, electrical, or perhaps another category?</p> <p>2. Should fuel filler doors be counted under fuel system or electrical system?</p>	
08	Diesel Fuel System		■				
09	Other Fuel System		■				
10	Powertrain	■	■	■		<p>1. Is a constant velocity joint part of the suspension system or the powertrain?</p> <p>2. Is the transmission selector level reportable in this category?</p> <p>3. Are linkages reportable in this category?</p> <p>4. Is the clutch pedal reportable in this category?</p> <p>5. Is a gear shifting mechanism on the</p>	

TREAD Early Warning Reporting Questions About Coding and Reporting

						steering wheel reportable in this category? 6. Where does the suspension stop and the powertrain begin?	
11	Electrical	■	■	■	■	<ol style="list-style-type: none"> 1. For those systems that involve electrical components such as antilock brakes, the engine, engine speed control, visual systems, airbags, climate control system and powertrain, what reports should be coded as parts of those systems and what parts are coded in the electrical system? 2. Where should electronic control units be included, here or with there respective systems? 3. What if there is not a system associated with the control unit? 4. Would this category include the entertainment/infotainment systems in the car, particularly in the rear of the car? 5. Does this category include navigation systems? 6. Does this category include telephone/internet systems? 7. The Upper Electronic Module is a dual purpose component, an inside rearview mirror and contains a remote receiver with in the unit, which could be coded as Latch or Visibility. How should dual/multi purpose components be coded? 	
12	Exterior Lighting	■	■	■	■	<ol style="list-style-type: none"> 1. Where does "lighting" stop and "electrical" begin? 2. Does lighting include dashboard illumination, interior reading lights including lights in vanity mirrors and glove compartments? 	

TREAD Early Warning Reporting Questions About Coding and Reporting

						<ol style="list-style-type: none"> 3. Are lights in doors, foot wells included here? 4. Does this also include under-hood and trunk lights? 5. Should the headlight switch and flasher be included here or under electrical? 6. Should the turn signal lever/relay be included here? 7. What about the emergency flasher? 	
13	Visibility	■	■			<ol style="list-style-type: none"> 1. Does this include the glass panel in a sunroof? 2. Does this category include a sunroof generally? 3. Does this include window gaskets? 4. Does this category include window winders and lowering systems? 5. If window winders and lowering systems are electrically controlled, must they be included here or under electrical system? 6. Are the electric motors, wiring, switches for heated windshields, rear windows, heated mirrors included here or are they to be counted under electrical? 7. Is a manufacturer expected to report air conditioner compressor failures? 8. Where does visibility (climate control) end and electrical begin? 9. Do the dashboard vent vanes, knobs and other non-electrical controls reportable under this category? 	
14	Airbags	■	■			<ol style="list-style-type: none"> 1. Is the airbag door reportable as part of this system? 2. Does this system include the airbag ready light or is that part of the electrical system? 3. Are the coverings for the seats reportable as part of the side airbag 	

TREAD Early Warning Reporting Questions About Coding and Reporting

			1			system or as part of the seats themselves? (The coverings are important in terms of the seams that have to be separated for the side airbag to deploy.)	
15	Seat Belts	■	■			<ol style="list-style-type: none"> 1. Is the safety belt light and chime system, as well as the wiring, included here or in the electrical system? 2. Are pyrotechnic pretensioners reported here? 	
16	Structure	■	■	■	■	<ol style="list-style-type: none"> 1. Is the sunroof panel and opening mechanism included in this category? 2. If a sunroof system is electrically operated, should the controls and wiring be included here or under electrical, if at all? 3. If the sunroof panel is glass, should this be included here, or under visual system, or should it be included at all? 4. If the vehicle has a railing attached to the roof that is used to attach components of a roof rack system, should the railing be included here or at all? 5. Are fenders included in this category if they are bolt-on? 6. Are trim items included here? 7. Are paint claims to be included here? 8. Are cabriolet roof repairs included here? 9. Would the rollover protection system on convertibles be reportable under this category? 	
17	Latch	■	■		■	<ol style="list-style-type: none"> 1. Does the latching system include the key and locking cylinder in the doors that have key locks? 2. Is the instrument panel display that shows when a door is unlatched inluded 	

TREAD Early Warning Reporting Questions About Coding and Reporting

						<p>in this category or in the electrical system, or not at all?</p> <p>3. What are “associated components”?</p> <p>4. Are the batteries in the remote control entry fob included here, or under the electrical system, or at all?</p> <p>5. Is the door handle included in this category?</p>	
18	Speed Control	■	■	■		<p>1. Is the engine ECU included in this category, and not in engine?</p> <p>2. Does this category include those portions of the cruise control that are situated in the steering wheel?</p> <p>3. Is the cruise control wiring reportable as the electrical system or in this category because it is part of the cruise control?</p> <p>4. On vehicles with “E-gas”, is the E-gas control or its wiring reportable in this category or as an electrical system?</p> <p>5. Should turbochargers be included here since they deal with engine speed?</p> <p>6. Does this category include the throttle plate and related components or are these reportable under engine?</p> <p>7. Does this category include the fuel injection and air intake systems?</p> <p>8. Should the oxygen sensor be included here or is it part of the engine exhaust system?</p>	
19	Tires	■	■	■	■	1. Are reports of “ flat tires” with no specific allegation or other information reportable?	
20	Wheels	■	■	■	■	1. Is a customer complaint of vibration without an allegation of a defective component reportable? If so , how should it be coded – possibilities include wheels, tires, suspension, steering?	

TREAD Early Warning Reporting Questions About Coding and Reporting

						2. Does this category include wheel bolts?	
						3. Does this category include hub caps?	
21	Trailer Hitch						
22	Seats					1. Is a manufacturer expected to report customer calls expressing dissatisfaction with the upholstery durability or seat comfort?	
						2. Do seats include floor-mounted anchorages?	
						3. Do seats include the wiring and controls for electrically operated seat adjustment systems?	
						4. These should clearly be under seat belts.	
23	Fire						
24	Rollover						